

## **Body Art Regulation Abington Board of Health**

### **1. Purpose and Scope:**

The Town of Abington is promulgating rules and regulation, which provide minimum requirements to be met by any person performing body art upon any individual and for any establishment where body art is performed. These requirements shall include, but not be limited to, general sanitation of premises wherein body art is to be performed and sterilization of instruments. These rules and regulations are necessary to protect the public's health by preventing diseases, specifically including, but not limited to transmission of hepatitis B and for human immunodeficiency virus (aids). In addition, these rules and regulations shall establish procedures for registration with the Abington Board of Health (BoH) of all persons performing body art, for the requirement of minimal training standards for the prevention of disease transmission and for knowledge of anatomy and physiology, for regular inspection of premises wherein body art is performed, and for revocation of the registration of any person or establishment deemed in violation of the rules and regulations promulgated under this section. An annual, non-transferable registration fee set by the Town of Abington shall be paid by any person or establishment registered under this section.

### **Authority:**

The Board of Health, Town of Abington Massachusetts acting under the Authority of Massachusetts General Law Chapter 111, Section 31,122 and Chapter 140, Section 51, adopts the following rules and regulations governing the licensing and practice of body art and the operation of an establishment for body art.

### **2. Definitions**

**Aftercare** means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.

**Application** means any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

**Autoclave** means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

**Autoclaving** means a process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a

minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

**Body Art** means any method of inserting a needle into the body to place jewelry, in the perforation produced by needle and/or indelible colors, so as to leave permanent marks or designs.

**Braiding** means the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

**Branding** means inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

**Cleaning area** means the area in a Body Art Establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art.

**Client** means a member of the public who requests a body art procedure at a body art establishment.

**Contaminated Waste** means waste as defined in 105 CMR 480.000:Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII and / or Code of Federal Regulation part 1910.1030. This includes any, liquid or semi-liquids blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any waste containing blood or other potentially infectious materials.

**Disinfectant** means a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA)

**Disinfection** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

**Ear piecing** means the puncturing of the lobe of the ear with a presterilized single-use stud—and--clasp ear- piecing system following the manufacturer's instruction.

**Equipment** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display, and storage areas, sink, and all other apparatus and appurtenances used in connection with the operation of body art establishment.

**Procedure surface** means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

**Sanitary** means clean and free of agents of infection or disease.

**Sanitize** means the application of a U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

**Scarification** means altering skin texture by cutting the skin and controlling the body healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

**Sharps** means any object, sterile or contaminate, that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancet, scalpel blades, razor blades, and broken glass.

**Sharp Container** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

**Single Use Items** means products or items that are intended for one time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary covering, razors, piecing needles, scalpel blades, stencil, ink cups, and protective gloves.

**Sterilize** means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

**Tattoo** means the indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

**Tattooing** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin resulting in permanent coloration of skin or mucosa.

**Temporary Body Art Establishment** means the same as Mobile Body Art Establishment.

**Three dimensional "3D" Body Art or Beading or Implantation** means the form of body art consisting of or requiring the placement, injection or insertion of an object, device or other things made of matters such as steel; titanium, rubber, latex, plastic, glass, or other inert materials, beneath the surface of the skin of a person. This term does not include Body piercing.

**Hand Sink** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

**Hot water** means water that attains and maintains a temperature 110-130 F.

**Instruments Used for Body ART** means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

**Invasive** means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

**Jewelry** means any ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

**Light colored** means a light reflectance value of 70 percent or greater.

**Minor** means any person under the age of eighteen (18) years.

**Mobile Body Art Establishment** means any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed tent, movable structure, bar, home or other facility wherein, or concert, fair, party, or other event where one desires to or actually does conduct body art procedures, excepting only a licensed Body Art Establishment.

**Operator** means any person who individually, or jointly or severally with others, owns, or controls an establishment, but is not a body art practitioner.

**Permit** means Board approval in writing to either (1) operate a body establishment or (2) operate as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within community or political subdivision comprising the Board's jurisdiction.

**Person** means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trust or unincorporated organizations.

**Physician** means an individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to M.G.L. c. 112 sec 2

**Ultrasonic Cleaning Unit** means a unit approved by the Board, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

**Universal Precautions** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as " Guideline for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report, (MMWR), June 23, 1989, Vol. 38 NO.S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol.40, No. RR-S. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

### 3.Exemptions

- (A) Physicians licensed in accordance with M.G.L. c. 112 sec 2 who perform body art procedures as part of patient treatment is exempt from these regulations.
- (B) Individuals who piece only the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

### 4. Restrictions

- (A) No tattooing, body piecing, branding or scarification shall be performed on a person under the age of 18.
- (B) No body art shall be performed upon an animal.
- (C) The following body piercings are hereby prohibited: piercing of the uvula; piercing of the tracheal area; piercing of the ankle; piercing between the ribs or vertebra; piercing of the web area of the hand or foot; piercing of the lingual frenum (tongue web); piercing of the clitoris; any form of chest or deep muscle piercings, excluding the nipple; piercing of the anus; piecing of an eyelid, whether top or bottom; piercing of the gums; piecing or skewering of a testicle; so called "deep" piercing of the penis-meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone; so called "deep" piercing of the scrotum- meaning piercing through the scrotum, or "transcrotal"

piercing; so called "deep" piercing of the vagina-to include but limited to-so called "triangles".

- (D) The following practices hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: branding; scarification; tongue splitting; braiding; three dimensional /beading/implementation tooth filling/fracture/removal; cartilage modification; amputation; genital modification; introduction of saline or other liquids.**

## **5. Operation of Body Art Establishments**

Unless otherwise ordered or approved by the board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

### **(A) Physical Plant**

- (1) Walls, floors, ceilings, and procedure surfaces shall be smooth, durable, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chair/benches, shall be of such construction as to be easily cleaned and sanitized after each client.**
- (2) Facilities must be located in area zoned for this type of business.**
- (3) Solid partitions or walls extending from the floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surface.**
- (4) The establishment shall take all measures necessary to ensure against the presence of breeding of insects, vermin, and rodents within the establishment.**
- (5) Each operator area shall have a minimum of 45 square feet or floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by a dividers or partition at a minimum.**
- (6) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet**

off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, where instruments and sharps are assembled and all cleaning area.

- (7) All electrical outlets in operator area and cleaning area shall be equipped with approved ground fault (GFCI) protected receptacles.
- (8) A separate, readily accessible hand sink with hot and cold running water under pressure, preferably equipped with wrist-or foot-operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.
- (9) There shall be a sharp container in each operator area and each cleaning area.
- (10) There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser. A body art establishment permanently located within a retail shopping center, or similar setting housing multiple operations within one enclosed structure having shared entrance and exit points, shall not be required to provide a separate toilet room within such body art establishment if Board —approved toilet facilities are located in the retail shopping center within 300 feet of the body art establishment so as to be readily accessible to any client or practitioner.
- (11) At least one covered, foot operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leak proof, rodent-resistant containers and shall be removed from the premises at least weekly.
- (12) The public water supply entering a body art establishment shall be protected by a testable, reduced pressure back flow preventor installed in accordance with 142 code of Massachusetts regulation 248, as amended from time to time.
- (13) At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non —contaminated liquid waste in accordance with all applicable Federal, state, and local laws. Said sink shall be of

**adequate size equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.**

- (14) All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.**
- (15) The establishment shall have a cleaning area. Every cleaning area shall have an area for placement of an autoclave unit located or positioned a minimum of 36 inches from required ultrasonic cleaning unit.**
- (16) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.**
- (17) Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure.**
- (18) The place of business shall meet all other Board of Health requirements.**

**(B) Requirements for Single Use Items Including Inks, Dyes and Pigments**

- (1) Single —use items shall not be used on more than one client for any reason. After use, all single — use sharps shall be immediately disposed of in approved sharp containers pursuant to 105CMR 480.00**
- (2) All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single use and disposable.**
- (3) Hollow bore needles or needles with cannula shall not be reused.**
- (4) All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.**



- (5) Inks, dyes, or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.**

**(C) Sanitation and Sterilization Measures and Procedures**

- (1) All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water,(to remove blood and tissue residue), and shall be placed in an ultrasonic unit sold for cleaning purpose under approval of the U.S. Food and Drug Administration and operated in accordance with manufacturer's instructions,**
- (2) After being cleaned, all non-disposal instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave sold for medical sterilization purposes under approval of the U.S. Food and Drug Administration. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) month.**
- (3) The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Board. Autoclaves shall be located away from workstations or areas frequented by the public.**
- (4) All instruments used for body art procedures shall remain stored in sterile package until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.**
- (5) Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Board. These test**

records shall be retained by the operator for a period of three (3) years and made available to the Board upon request.

- (6) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
- (7) If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- (8) When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
- (9) Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The cloth items shall be stored in dry, clean environment until used.

#### **(D) Posting Requirements**

The following shall be prominently displayed:

- (1) A Disclosure Statement, a model of which shall be available from the Board. A Discloser Statement shall also be given to each client, advising him/her of the risks and possible consequence of body art procedures.
- (2) The name, address and phone number of the Abington Board of Health and the procedure for Filing a complaint.
- (3) An Emergency Plan, including:
  - (A) A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency.
  - (B) A telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation: and
  - (C) A sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
- (4) An occupancy and use permit as issued by the local building official.

**(5) A current establishment permit.**

**(6) Each practitioner's permit.**

**(E) Establishment Record keeping**

**The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Board upon request:**

**(1) Establishment information, which shall include:**

- (a) establishment name;**
- (b) hours of operation;**
- (c) owner's name and address;**
- (d) a complete description of all body of all body art procedures performed;**
- (e) An inventory of all instruments and body jewelry, all sharp, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;**
- (f) A Material Safety Data Sheet, when available, for each ink and dye used by the establishment;**
- (g) Copies of waste hauler manifest as specified by Section 14**
- (h) Copies of commercial biological monitoring tests**
- (i) Copy of these regulations**

**(2) Employee information, which shall include:**

- (a) full legal names and exact duties;**
- (b) date of birth;**
- (c) home address**
- (d) home/work phone number**
- (e) identification photograph;**
- (f) dates of employment;**
- (g) Hepatitis B vaccination status as specified in Section 7**
- (h) Training records**

**(3) Client Information, which shall include:**

- (a) name;**
- (b) age and valid identification**
- (c) address of client;**
- (d) date of the procedure;**
- (e) name of the practitioner who performed the procedure(s);**
- (f) description of procedure(s) performed and the location on the body**

- (g) a signed consent form as specified by 6(d) (2)

Client information shall be kept confidential at all times.

#### **(4) Exposure Control Plan**

- a) The establishment shall require all body art practitioners to complete the Hepatitis B vaccination series and tetanus doses or booster shot. Records documenting compliance with this requirement shall be provided to the Board upon request. A signed declination form of HBV and/or tetanus may be completed for medical or personal reasons, and must be returned to the BoH. Declining vaccination requires practitioners to submit negative Hepatitis B and/or tetanus lab evidence to the BoH every six months or license will be revoked.

#### **6. Standards of Practice**

Practitioner is required to comply with the following minimum health standards:

- (A) A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.
- (B) A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
- (C) Practitioners who use ear-piercing systems must conform to the manufacturer's directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use piercing system on any part of the body of the client's body other than the lobe of the ear.
- (D) Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:
  - (1) Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:
    - (a) history of diabetes;
    - (b) history of hemophilia(bleeding);
    - (c) history of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
    - (d) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
    - (e) history of epilepsy, seizures fainting, or narcolepsy;
    - (f) use of medications such as anticoagulants, which thin the blood and for interfere with blood clotting ; and

**(g) any other conditions such as hepatitis or HIV**

- (2) Require that the client sign a form confirming that the above Information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 6(k)**
- (E) A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.**
- (F) Practitioner shall not be under the influence of any substance, legal or illegal which might impair their judgment or ability to properly perform body art.**
- (G) Practitioner who receive needle sticks injuries and / or any potential exposure to blood- borne pathogens on the job shall follow OSHA guidelines on the reporting and follow up on needle sticks injuries. OSHA guidelines for needle stick follow up shall be posted in employee area. (Code of Federal Regulation 29 CFR 1910.1030(f)).**
- (H) It is required that the practitioners receive the series of Hepatitis B vaccination or submit a Practitioners Hepatitis B Vaccine Declination signed by both practitioner and employer. The signed declination statement shall be on file with the Abington Board of Health and at the facility for review by the Board.**
- (I) Client and practitioner should have appropriate size and quality jewelry chosen before the procedure begins.**
- (I) Ear studs or other jewelry design for ear piecing are not appropriate jewelry for other body parts and must not be used by practitioner.**
- (K) Set up equipment in front of client.**
- (L) Sealed autoclave bags containing equipment required to be sterile, shall be opened in front of the client and the autoclave bag discarded.**

- (M) In performing body art procedures, a practitioner shall wear disposable single —use gloves. Gloves shall be changed if they become pierced, torn or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with section (E) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.**
- (N) The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that person could contaminate body art equipment, supplies, or working surfaces with body substance or pathogenic organisms.**
- (O) Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.**
- (P) Preparation and care of a client's skin area must comply with the following:**

  - (1) Any skin or mucosa surface to receive a body art procedure shall be free of rash or ant visible infection.**
  - (2) Before a body art procedure is performed, the immediate skin area and the area of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.**

- (3) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.0#**
- (Q) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.**
- (R) The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:**
  - (1) on the proper cleansing of the area which received the body art:**
  - (2) to consult a health care provider for:**
    - (a) unexpected redness, tenderness or swelling at the site of the body art procedure;**
    - (b) any rash ;**
    - (c) unexpected drainage at or from the site of the body art procedure; or**
    - (d) a fever within 24 hours of the body art procedure; and of the address, and phone number of the establishment**
- (3) A copy shall be provided to the client. A model set of aftercare instructions shall be made available by the Board.**
- (1) Contaminated waste shall be stored, treated and disposed in accordance with 105 CMR 480.000 Storage and disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.**

## **7. Exposure Incident Report**

**An exposure Incident Report shall be completed by the close of the business day during which 1n exposure has or might have taken place by the involved or .knowledgeable body art practitioner for every exposure incident occurring in the conduct of any body art activity.**

**Each Exposure Incident Report shall contain:**

- (1) A copy of the application and consent form for body art activity completed by any client involved in the exposure incident;**
- (2) A full description of the exposure incident, including the portion of the body involved therein;**
- (3) Instrument(s) or other equipment implicated;**
- (4) A copy of body art practitioner license of the involved body art practitioner;**
- (5) Date and time of exposure;**
- (6) A copy of any medical history released to the body art establishment or body art practitioner; and**
- (7) Information regarding any recommendation to refer to a physician or waiver to consult a physician by person involved.**

**8. Injury Report**

**A written report of any injury, infection complication or disease as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to the Board which issued the permit, with a copy to the injured client within five working days of its occurrence or knowledge thereof.**

**The report shall include:**

- (A) the name of the affected client;**
- (B) the name and location of the body art establishment involved;**
- (C) the nature of the injury, infection complication or disease;**
- (D) the name and address of the affected client's health care provider, if any;**
- (E) Any other information considered relevant to the situation.**

**9. Complaints**

- (A) The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.**
- (B) If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, and then the Board shall notify the complainant of this finding the reasons on which it is based.**
- (C) If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement**



action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.

#### **10. Application for Body Art Establishment Permit**

- (A) No person may operate a body art establishment, display a sign or in any way advertise to be a body art establishment except with a valid permit From the Abington Board of Health.**
- (B) Applications for a permit shall be made on forms prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal application.**
- (C) An establishment permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Board.**
- (D) The Board shall require that the applicant provide, at a minimum, the Following information in order to be issued an establishment permit:**
  - (1) Name, address, and phone number of:**
    - (a) the body art establishment:**
    - (b) the operator of the establishment; and**
    - (c) the body art practitioner(s) working at the establishment:**
  - (2) The manufacturer, model number, model year, and the serial number, where applicable, of the autoclave used in the establishment.**
  - (3) Upon application, has signed a form consenting to abide by the rules and regulations and recommended procedures on the prevention of disease transmission in body art, sanitation, sterilization, handling of infections, universal body fluid precautions, sharp and biologic waste disposal, and wound care as stated in the Federal Register of EPA Rules and Regulation on Blood Borne Pathogens.**
  - (4) Body art establishment shall be required to demonstrate proper sanitary procedures and to develop and submit their policy on infection control to the Abington Board of Health.**
  - (5) A drawing of the floor plan of the proposed establishment to scale for plan review by the Board, as part of the permit application process;**

**(6) An Exposure Report Plan**

**(7) Such additional information as the Board may reasonably require.**

**(E) Body Art Establishment permit shall be 275.00 per facility.**

**(F) A permit for body Art establishment shall not be transferable from one place or person to another.**

**11. Application for Body Art Practitioner Permit**

**(A) No person or body artist shall perform body art, display a sign or in any other way advertise or purport to be body artist unless that person holds a valid permit with the Abington Board of Health. The Board shall set reasonable fees for such permit.**

**(B) Upon application, has provided evidence in the form of a drivers license state identification card or federal identification card that applicant is not less than 21 years of age, a photocopy of the I.D> shall be on file with the Abington Board of Health.**

**(C) A practitioner permit shall expire on December 31 of each year unless revoke sooner by the Board of Health.**

**(D) Application for practitioner permit shall include:**

- (1) names;**
- (2) date of birth;**
- (3) residence address;**
- (4) mailing address;**
- (5) phone number;**
- (6) place(s) of employment as a practitioner;**
- (8) training and experience as set out in (E)**

**(E) Practitioner Training Experience**

**(1) In reviewing and application for a practitioner permit, the Board may consider experience, training and for certification acquired in another state that regulate body art.**

**(2) Training for all practitioners shall be approved by the Board and, at a minimum, shall include the following:**

- (b) Completion of a course on prevention of Disease Transmission and Blood borne pathogens, conducted by an instructor and sufficiently knowledgeable to teach this OSHA**

**course. Such knowledge shall include the requirements of 29 CFR 1910.1030**

- (c) Current certification in First Aid and cardiopulmonary resuscitation.**
- (d) Body artist must present evidence satisfactory to the Board of at least one years actual experience in the practice of performing body art activities, with no history of their artistry causing short or long term health problems.**

**(3) The applicant for a body piecing practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy and physiology with a grade of C or better at a college accredited by the New England association of Schools and College or comparable accrediting entity. This course must include instruction on the system of the integumentary system (skin).**

**(4) The applicant for a tattoo, practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy with a grade C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course must include instruction on the system of the integumentary system (skin) . Such other course or program as the Board deem appropriate and acceptable may be and acceptable may be substituted for the anatomy course.**

**(5) Liability Insurance is strongly recommended for Body Artist.**

## **12. Disposal of Waste in Accordance with Infectious Waste Regulations**

- 1. Bar setups, piercing needles, razor blades or other sharp instruments and glass which are not to be sterilized shall be disposed of in medically approved sharp containers that are puncture resistant and have tight fitting lids.**
- 2. Containers of sharp waste shall be sent to a facility where they are either incinerated or otherwise rendered non-hazardous.**
- 3. Disposable waste shall be placed in easily cleanable, closed containers with tight fitting lids, to prevent leakage or spoilage.**
- 4. Waste containers shall be kept closed when not in use.**
- 5. Disposable waste shall be handled, Stored and disposed of to minimize direct exposure of personnel to waste materials.**

**6. Only waste hauler licensed by the Abington board of Health may be used for disposal of waste materials.**

**7. A copy of the contract with a waste hauler shall be provided upon request to the Health Agent.**

### **13. Mobile Establishments:**

**No person shall establishment or operate a mobile or temporary body art establishment in the town of Abington.**

### **14. Fees**

**1. A permit fee in the amount established by the Town of Abington shall be required of all persons registering as body artist.**

**2. Payment of fees shall be made to the:**

**Abington Board of Health  
500 Gliniewicz Way  
Abington, Mass 02351**

**3. A registration fee of 275.00 per facility and 125.00 per operator is hereby established.**

### **15. Enforcement Procedures**

**The body art permits shall be suspended immediately upon notice to the holder (with out a hearing) when the BoH has reason to believe that an imminent health hazards exists.**

**1. In all other instance of violation of the provision of this administrative regulation the Abington Board of Health shall serve the permit holder a reasonable opportunity to correct the same and or the issuance of a non-criminal ticket and or court complaint.**

**2. Whenever a registrant has failed to comply with any written notice issued under the provisions of this administrative regulation.**

**3. The holder of the body art permit shall be notified in writing that the permit shall be suspended at the end of ten(10) days following the service of the notice unless a request for a hearing is made within the ten(10) days period. This does not prohibit the Boll to suspend a permit after a hearing.**

- a. Any person whose permit has been suspended may make a request in writing for reinstatement of the permit.
- b. For serious or repeated violations of any of the requirements of this administrative regulation or for the interference with the BoH in the performance of its duties, or for the persons found guilty of any crime related to body art the body art permit may be permanently revoked after the opportunity for a hearing has been provided.
- c. Every person who shall perform body art without a certificate of permit may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense brought in such manner, shall be five hundred dollars per day per violation.

#### **16. Ticket Enforcement Under M.G.L. c 40 s 21D**

##### **Board of Health Body Art Regulation.**

**A. Fine allowed:**

**B. Enforcement Agent: Board of Health Agent.**

**C. Fine Schedule:**

**First Offense: \$300.00 per violation**

**Second Offense: \$600.00 per violation within one (1) year**

**Third and subsequent offense: \$1000.00 per violation within one (1) year**

**The payment of fines is due within 30 days of assessment. Failure to pay within such time may result in the revocation of body art permit.**

#### **17. Severability**

**If any section, paragraph, sentences, clause, phrase or word of this ordinance shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations.**

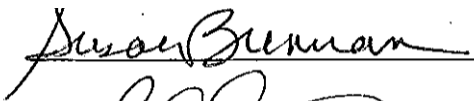

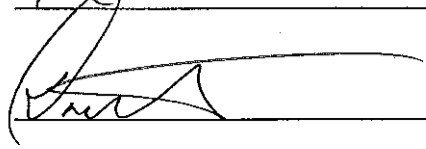
#### **18. Effective Date: January 29, 2001**

**J. Conflict with Other Laws or Regulations:**

Notwithstanding the provisions of the foregoing Paragraph D of this regulation, nothing in this regulation shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.

**K. Effective Date:** These regulations shall be effective as of August 18, 2003.

**Board member signatures    Date: July 16, 2003**

7/7/03

Updated: 7/7/14, 3/7/17